United States Court of Appeals

for the Second Circuit

REPLY BRIEF

2nd CIRCUIT of APPEALS
UNITED STATES/[redacted] COURT/FOR THE
SOUTHERN DISTRICT OF NEW YORK

74-2544

PLAINTIFF: THE UNITED STATES CONSTITUTION
Represented by: VICTOR SHARROW, Pro Se
Crompond, N.Y., 10517

vs
PRIVATE CITIZENS (alphabetically)

SHIRLEY CHISHOLM, 1149 Eastern Parkway
Brooklyn, N.Y.

ROBERT F. DRINAN, Totten Pond Road
Waltham, Mass.

JOHN DOW, 56 Grand Avenue
Balmville, N.Y.

HAMILTON FISH JR. Millbrook, N.Y.

ELIZABETH HOLTZMAN, 1452 Flatbush Avenue
Brooklyn, N.Y.

RICHARD OTTINGER, 235 Bear Ridge Road
Pleasantville, N.Y.

CHARLES RANGEL, 74 West 132nd Street
New York, New York

PETER RODINO JR., 970 Broad Street
Newark, N.J.

Docket No. 74-2544

Cal. No. 688

To be discussed (not argued:)
Thursday, March 27th, 1975, in the 17th floor, federal court room of the 2nd Circuit Court of Appeals, commencing at 10:30 a.m.

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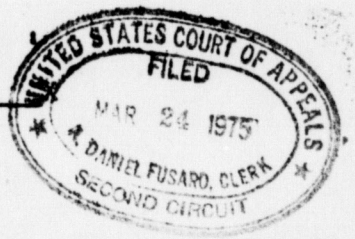
P/S



A Reply - to NO Replies

The New York Times, Sunday, March 16, 1975, Magazine, front cover story, "Behind the marble, beneath the robes", page 15, unbelievable story of the absolute irrational ways the United States Supreme Court writes decisions states on page 58 that,

> "Justice Brennan is the only one of the nine men who reads virtually all the petitions asking for review. ...- the four Nixon appointees plus Justice Byron R. White - have in recent years created a rotating pool of their law clerks to write summary memos...."

Abe Fortas who was forced to resign because of his personal ethics when he was nominated to be Chief Justice, has written that Felix Frankfurter prided himself upon the fact that he too never read briefs in advance of oral hearings, which is most likely true of many other judges, if judges on the Supreme Court who claim they are overworked, personally do not read briefs in advance of oral discussions, not arguements::

Even though the oral time for discussion in this case should be open ended, and not limited to ten minutes, because of the vast implications of dishonesty and illegality involved both

personally and nationally, and despite the claim by the Court of Appeals of the presumption that each judge will read the briefs in advance, which every lawyer smirks at, it is hereby suggested that in order to save time, even in an open-ended oral discussion, that the judges in advance read this brief, and all the other briefs submitted before, in this case and the three forerunners of this case, because in order to expidite the oral discussions, and shape the oral discussions, so as to save time, the first question to be asked of the judges is,

"Please read the exact words written that you disagree with LEGALLY?"

Even at the District Court level, it is the law and not the litigants, that decides the validity of the substantive discussion, but certainly at the Appeals Court level, it is almost exclusively, the law that must be discussed.

It is also requested that the judges, read before coming to court, on Thursday, March 27, 1975, Chief Justice John Marshall's brilliant discussion of the ONLY function of the Judiciary under Article III, in the 1803 case of Marbury v Madison, and his repititous and correct use of the term "REPUGNANT to the Constitution", which this case is also, which word "REPUGNANT" appears in Chapter 28 U.S.C. 2282 that mandatorily calls for the convening of a three judge court, which has been called for in this case, to ensure the fact that procedurally, the Supreme Court must hear this case, and can not duck this issue that is not moot.

The New York Times of Sunday, February 2, 1975, at page 44, cols. 5-8, headlined"Appeals Court Will Move Quickly On Nixon Records", concerning the ownership of the Presidential tapes, of the peculiar timing of District Court Judge Charles R. Richey and the "...unusual Saturday session to hear oral arguements..."

by Court of Appeals Judges Spottswood W. Robinson 3d, Malcolm R. Wilkey, and Walter M. Bastion, about convening a Section 2282 Three Judge court, in which "THE ORAL ARGUMENTS LASTED ALMOST TWO HOURS."(col. 5, page 44, N.Y. Times, 2/2/75)

TWO HOURS should also be granted in this case for oral discussions, concerning the convening of a 2282 three judge court if we are to believe in the adage of Anatole France,

> "That the law in its majestic equality allows both the rich and the poor to beg in the streets and sleep under bridges."

and discuss 3 judge cases, because as the N.Y. Times, writes in column 6, as the judges should already know that,

> "Federal law REQUIRES that when questions of the constitutionality of a law are raised, a three-judge panel will be appointed immediately, made up of Federal jurists from both the Appeals Court and the District Court in the District of Columbia."

And according to the N.Y. Times of Tuesday, March 18, 1975 page 22, col. 6, in the headlined story "Nixon Challenges New Law Letting U.S. Control Tapes", did exactly that, convening a 2282 three judge court as it states,

> "A panel consisting of two appellate judges Carl McGowan and Edward A. Tamm, and Charles B. Richey of District Court is considering the constitutionality of the law."

"The law in its Majestic equality..." should do the same in this case to convene a 2282 three judge court for direct appeal to the United States Supreme Court, because there can be no constitutional question, about the original substantive issue in this case, which can be simply stated,

SECTION 2 OF THE 14th AMENDMENT COMMANDS AND CONTROLS COMPLETELY THE CONSTITUTIONAL COMPUTATION FOR THE APPORTIONMENT OF REPRESENTATIVES THAT HAS NOT, AND IS NOT BEING ENFORCED, THEREFORE DEPRIVING AND DENYING EACH AND EVERY VOTING CITIZEN THEIR CONSTITUTIONAL RIGHT TO VOTE FOR THEIR CONSTITUIONAL APPORTIONMENT OF REPRESENTATIVES::

Therefore a suit was brought UNDER THE CONSTITUTION, challenging each of the above named defendants, as private citizens, voluntarily offering themselves as individual candidates for Representatives in Congress, for all the voting citizens of the United States, to ask each one,

> "UNDER WHAT CONSTITUTIONAL COMMAND FOR THE COMPUTATION OF APPORTIONMENT ARE YOU RUNNING FOR ELECTION TO THE HOUSE OF REPRESENTATIVES?"

Under the concept of taking "judicial notice", and the more concrete written "confession" of former Census Bureau Director Dr. George H. Brown, the man mandated by law to make such constitutional apportionment computation, who confessed that in 1960 and 1970, Section 2 of the 14th Amendment, was NOT used to compute the constitutional computation for apportionment, it was not possible for any of the above named "criminal?" defendants to answer that question, and none of them did, in a unanimous unresponsive, irresponsible manner for those who individually volunteered to represent the people in a constitutional manner, that is therefore REPUGNANT to the constitution and therefore according to the N.Y. Times' Nixon Tapes case,

> "Federal law REQUIRES that when questions of the constitutionality of a law are raised, a three-judge panel will be appointed **immediately**, made up of Federal jurists from both the Appeals Court and the District Court..."

and if it was done for a liar, than it should be done for truth and honesty, that President Gerald Ford, said was the glue that keeps the Constitution functioning.

Gerald Ford also said that the Arab States anti-semitism, of discriminating against firms and individuals of the Jewish faith, was REPUGNANT to basic American PRINCIPLES. So if the court is PRINCIPLED, on March 27, 1975, the first day of PASSOVER, (and Holy Thursday too,) A THREE JUDGE 2282 COURT MUST BE CONVENED:

The Court of Appeals should use their judicial authority to have irresponsive, irresponsible, none representatives, personally appear in court, especially some of those who are on the judiciary committee of the House of Representatives, during the Easter recess, if the Attorney Pro-Se cancelled vacation tickets to appear in court, because there is nothing in the constitution that permits individuals not to appear personally, when they are litigants in a civil or criminal suit. A lawyer is no substitute to answer questions that the responsible individuals should be asked in court, that should be answered, besides,

"UNDER WHAT CONSTITUTIONAL COMMAND FOR THE COMPUTATION OF APPORTIONMENT ARE YOU RUNNING FOR ELECTION TO THE HOUSE OF REPRESENTATIVES?"

Since none of the defendants took advantage of the recent 2nd Circuit court's procedure to discuss in advance the pertinent points of this case, it is suggested that the court do away with wrong, antagonistic, adversary procedure of presentation, because no one in this case can possibley be against upholding and enforcing the none enforced Section 2 of the 14th Amendment, INCLUDING THE JUDGES, under their oath to uphold and enforce THE CONSTITUTION OF THE UNITED STATES.

The reason for the importance of convening a mandatory 2282 three judge court, for a definitive rule by the Supreme Court is well stated in the N.Y. Times editorial of Wednesday, January 15, 1975, entitled "The Rule of Law" on page 42, discussing the total disregard by Solicitor General Robert Bork of the Department of (in)justice, of the Washington D.C. Court of Appeals upholding Senator Ted Kennedy's personal argument of the unconstitutionality of "President Ford's pocket-vetoing five bills during the Congressional recess last fall... ~~by xrefusing to sign~~

and argued that the Presidential power of pocket veto - the power to kill a bill in Congress' absence, by refusing to sign it for ten days - could only be exercised after a Congress had finally adjourned, and not during a recess occurring within a session of Congress. The Senator won in the District Court and in the United States Court of Appeals for the District of Columbia. The appeals court denied the pocket veto power to a President during a recess called within an annual session of Congress." And yet the Department of (in)justice refuses to obey an order of the Court of Appeals, which is why a definitive (Nixon's former subterfuge) opinion by the Supreme Court can be handed down, and the only way to insure a review by the Supreme Court in their arbitrary and capricious manner in which they deny certiorari, is to convene a 2282 , three judge court, that must be convened in this case that is REPUGNANT to the Constitution, because the Director of the Census Bureau who did the apportionment computation admits in writing that he did not use Section 2 of the 14th Amendment, the one and only Constitutional command for computing apportionment, in both 1960 and 1970, which means the on going UNconstitutionality of apportionment is not moot, until the mandatory computational command of apportionment is used as called for in the February 2, 1872 apportionment act, passed four years after the 1868, 14th Amendment was ratified::

If 57 new freshman Representatives could create a revolution in the antiquated seniority, senility rule of unresponsive, anti-democratic, dictatorial committee chairman controlled almost completely from that part of the country that denied and abridged the Right to Vote, that "14/2" was specifically aimed at, that is still going on today, according to a recent statement of the United States Civil Rights Commission, that helped push through the 1965 Voting Rights act, that Peter Rodino, and some of the other defendants want extended, since it is expiring, then

imagine what a greater constitutional revolution would be created if "14/2" were enforced to make a more responsible, more responsive, House of Representative, that truly represented the constitutional apportionment of representatives.

After the Tidal Basin Bombshell blasted the drunken sex fiend who wrote the messy mess of tax laws, that makes honest men liars and cheats like, Nixon, Agnew and Humphrey, out of his chairmanship, Chairman Poage and Patman, also bit the dust, and the rest of the entrenched, anti-democratic chairman sat up and had to take notice of the democratic development in the House of Representatives, that ought to get it's own House in order now that the Executive branch has been cleansed from the President on down, thanks to some of the defendants in this suit, and the "new?" and nauseating revelations of the First Amendment intimidating censorship of First Amendment freedoms, and actual violation of Fourth Amendment illegal search, seizures and burglaries committed, by the not so intelligent "Intelligence?" agencies.

Again in the N.Y. Times, front page story of Friday, January 17, 1975, headlined "A.C.L.U. wins $12-Million Dollar Suit", in the case called Dellums v Powell, a jury case upholding First and Fourth Amendment rights granted that,

> "The judgement entitles each of approximately 1,200 compainants to $7,500 for violation of First Amendment Rights. In addition, some can get from $180 to $1,800 for violation of Fourth Amendment rights for false arrest. Others are entitled to $300 to $1,200 for false imprisonment. Each of the complainants was awarded $500 for treatment labeled as 'cruel and unusual punishment,' violating the Eighth Amendment."

and others were awarded "$3,000 for malicious prosectuion," all of which UNconstitutional actions were approved of by Nixon and his big "enchillada" who has personally been found guilty of being a law breaker, at long last, personally.

As in this case, when it comes right down to it, only the People, can be entrusted to have standing to sue for constitutional rights even and especially against all none-intelligent governmental agencies, including the Department of Justice, or even the evolving more democratic House of Representatives.

As the 1866 Committee of Reconstruction, in their final report, that has been submitted to the 2nd Circuit Court of Appeals, stated so wisely in getting "14/2" ratified, the people, and only the people, can best protect their own interests, by the ballot, instead of the bullets, that killed so many during the Civil War.

AND THAT IS WHAT THIS CASE IS ALL ABOUT EVEN IN 1975!

The fact that this is a First Amendment case to civilally discuss, not argue, in court "14/2", and not merely in a vaccum, in a forest, or wasteland where no one hears, and where no results will be forethcoming, is reinforced in the $12 million dollar A.C.L.U. case, as reported in column 3 on page 29 of the 1/17/75, N.Y. Times, in the paragraph that wisely states the First Amendment right to be heard, to get results, that states,

> "Representative Dellums was addressing the crowd when the authorities began to make arrests. Mr. Dellums, one of the complainants in the case called Dellums v Powell, was awarded $7,500. He was not arrested, but COMPLAINED THAT HE HAD BEEN DEPRIVED OF HIS FREE SPEECH WHEN THE AUTHORITIES TOOK AWAY HIS AUDIENCE."

The same holds in court, neither a District Court that doesn't hear a case, which was the case with District Court Judge Griesa, or a Court of Appeals, that sits, but doesn't hear, or write, in the first instance, what the Plaintiff, THE CONSTITUTION OF THE UNITED STATES COMMANDS, is violating the First Amendment full meaning as so beautifully, and correctly charged by Representative Dellums, above.

"We the People" as stated in the first three words of the Preamble to the constitution, are those who were"ordained" to uphold and enforce the constitution, even against, and especially subservient governmental servants, none of whom, or all together own the bundle of rights called "sovereignty". We the People, are the sovereigns. We are nobody's loyal subjects as in England. The sovreign reigning Citizen reigns supreme if the Courts do their duty as Watergate so beautifully illustra ated.

"We the People" under the Constitution, under Article III, and the "supremacy clause" always have "standing" to uphold and enforce the constitution, especially in cases of Representation that run directly to and from "We the People" unlike the Senators, who although representing people actually represent uneven geographic, economic, and political power, which is the only part of the constitution, that can never be amended, that not even lawyers usually recognize because they can't or wont read.

Anybody who claims "We the People" don't have "standing" to uphold the constitution, has astigmatic, myopic dyslexia or are lieing idiots, and illiterates.

If eyewitnesses which this case is, of having the eyewitness ability to read the constitution, could not have "standing" to call a cop when a crime was (eye)witnessed, or could not have "standing" to be an (eye) witness in a criminal court proceeding, or have "standing" to be the (eye)witness plaintiff when a crime was committed against his or her own person, then we could never have criminal or civil court cases, lawyers would go unemployed, and the courts would become uncluttered.

This is what would happen if we listened to liars, who used the "subterfuge of Standing", like Nixon used his "subterfuge of National Security", to cover up illegal acts, because there is absolutely no doubt that if "14/2" has not been enforced THAT WE HAVE AN UNCONSTITUTIONALLY CONSTITUTED CONGRESS.

The only real "national security" is in securing constitutional rights, that in a democracy, which means the rule of the people, must be done in an open forthright manner, and not in the secret subterfuge of illegal military undeclared, UNconstitutional wars, and that is what the courts are for.

The "standing" to be an eyewitness, must be a two fold vision. First an action must be perceived. Then there must be the ability to have eyewitness ability to read the law, to see whether that which they perceived is a violation of law, as is the case in not enforcing "14/2".

If there is no law forbidding an act, then the act that anyone can perceive, is not a violation of law, which is not the case in this case of not enforcing "14/2".

If there were no assault and battery, or anti-mugging laws, the mere perception of an act of mugging, should lead to no legal consequences, from the inception of the arrest and indictment, or presentment, to the end result of the legal consequence of punishment, fine or imprisonment.

But if there is a law forbidding an action, such as not enforcing "14/2" and that law is the Supreme Law of the Land, the United States Constitution, and any literate, law-abiding citizen who can read, merely reads and quotes Section 2 of the 14th Amendment, and in addition supplies the written "confession"

that "14/2" was not used in computing apportionment in 1960 and in 1970, then under the Watergate doctrine of reaffirmation of the Nuremburg principle, that individuals are criminally liable for their own actions, even if done under the mistaken urging of criminally, crooked superiors, be it the President or Congress, or any or all conspiratorial subservient crooked servants, who are not performing their constitutitional duties which they swore to uphold and enforced, which ipso-facto makes them guilty of legal perjury.

All the illegal creeps of the formerly nicknamed organization CREEP, who have now gone to jail for tampering with this country's most precious democratic device, of the Right to Vote, now know that it is a criminal offense to tamper with the Right to Vote, freely, openly and knowledgeabley, and not for crooks hiding under the cloak of dishonest "national security".

Not enforcing "the Right to Vote" under "14/2", that specifically commands that "The Right to Vote" shall not be "denied" or "abridged", which is still happening even after the 15th Amendment and the 1965 Voting Rights act, without resulting in the reduction of the "basis" of a States apportionment population, is a bigger voting crime, than that committed by the crooked creeps from CREEP, who thought they were working for an Imperial President, because they thought that his first two initials R.M. stood for Royal Majesty, which to their sorrow was as wrong as the actions they personally did.

Magruder, Dean and the others never read the Original Madison Papers on the Constitutional convention, and the final formulation of the words in the constitution, that no title of nobility can be bestowed on anybody, even the head servant, who serves the sovereign reigning citizens, "We the People".

The Constitution is a lifeless piece of paper that only comes to life by citizens who get involved, who without question can come into court, procedurally correct, as this case and all the three forerunners were, to breathe life into the lifeless constitution by an alert literate juridical person, whose basic right, such as the Right to Vote is contained in the constitution, for the first time in "14/2", which right pertains and belongs to all law abiding citizens, as specifically stated in "14/2", that does not depend upon the personality, or political stature of the individual bringing the suit, on behalf, and under the constitution, under the equality of the law concept that also appears in the 14th Amendment.

Although the Watergate defendants found out that it was a criminal action to tamper with Voting Rights, which makes the none enforcement of "the Right to Vote" under"14/2", likewise a criminal action, even if this were mistaken as a civil suit, this suit is properly brought under the federal question doctrine, of case or controversy, of diversity of citizenship, and even the 7th Amendment that pertains to Federal civil actions of twenty dollars or more, in view of the fact not only that payments in the thousands of dollars are paid annual as income tax, since all revenue bills begin in the House of Representatives, but Congress appropriates and enacts legislation, running into the millions, billions and even trillions of dollars which far surpasses the 7th Amendment miniscule amount that permits a juridical person to have "standing" to appear in court, and have that court decide the basic substantive issue raised, not by the individual, but by the constitution, without which words, no juridical individual would have "standing" in court, which is not the case, in this case, where "standing" is legal::

Only this past week, Columbia University Law Professor Telford Taylor, who was the chief United States prosecuting attorney at the Nuremburg War Trials, stated that on paper, the Constitution of the U.S.S.R. read better than the U.S. Constitution in some respects, but how it was enforced, especially in regards to the rights of the people, of which the Right to Vote is the most prized possession in a democracy, makes all the difference in between a lifeless piece of paper, and a piece of paper that is given life, by law abiding, alert, literate citizens who take civil actions in court, to insure their own civil rights, but only when Judges do their duty under their oath of office, as Chief Justice John Marshall, advocated so fully and brilliantly in declaring any law or action REPUGNANT to the constitution to be UNconstitutional, as the present apportionment of Representatives is because "14/2" was not used to compute the present apportionment of Representatives.

Practically none of the major States have committee chairmen, while other smaller states, almost everyone of their House delegation hold seniorty-senility controlled, dictatorial committee chairmanships, where most legislation is either bottled up or released for passage by the whole House, bacause "14/2" has not been enforced(??)::

Before coming to court, the Judges of the Court of Appeals should also read Coppedge v U.S., the only case that Judge Griesa cites in denying the right to file "In Forma Pauperis" which was granted three times previously by the District, Court of Appeals, and the Supreme Court, but now denied in this fourth attempt, which means the other three times everybody was wrong in a Pro-Se case, or Griesa is wrong now, AND HOW:

The Unanimous, entire Supreme Court in Coppedge v U.S. stands for the diametric opposite of what Judge Griesa cited the case for, and a complete copy of the Coppedge decision will be brought to court, so that any one of the three judges can read from the original decision if they can find any words that upholds Griesa's erroneous citation.

If Judge Griesa would have had the common decency, which is required more than the knowledge of law, for a judge to be a good judge, to listen and to learn, he would not have and could not have shown the arrogance of ignorance to dismiss this case as "patently frivolous", which proves the old adage that even some members of the Supreme Court still do not recognize, that out of personal experience, preferance and prejudice, that it is always in the eye of the beholder whether anything is "obscene" or in this case "patently frivolous" which is so far from the truth, as the Court of Appeals will find out, if we all participate together in a meaningful discussion, of asking and answering questions, on the spot, so that the court will not have to reserve decision, not to decide - it is that easy.

Judge Griesa's ignorance of writing his two "decisions?" with blue pen, on the blue backing of the briefs, is the reason why his two "decisions?" were unreadable, because blue on blue is impossible to Xerox, and he should have known better, or atleast have his clerk or secretary type black on white as Court of Appeals Judge Mulligan did in granting the right to proceed on typewritten briefs, ~~did.~~

Another disturbing aspect of this case to improve simple court procedure, which requires more than a ten minute oral

presentation, raises the question why Judge Griesa or atleast one of his office staff didn't call the Marshall's office, not to deliver the complaints to the defendants, since he dismissed the suit the same day it was filed, because even a month later the Marshall's office had not served two of the defendants, for unbelievably stupid reasons. and yet the Attorney Pro-Se who was denied the right to file in Forma Pauperis as previously permitted, was also saddled with almost a $100.00 Marshall fee, who couldn't find two of the defendants, who could have been served personally, without cost, easily, especially since it only costs about $7.00 to serve all of them, depending upon the wieght, through the United States mails, with certified, return receipt cards, as proof that there was service.

The Court of Appeals should discuss this aspect orally too. Even the Marshall's officers handwriting on documents of service is absolutely unreadable, as the court will see for itself if it cares to go into simple court procedure that needs improvement. Even the Court of Appeals rules, are so vague and ill defined that between the District and Court of Appeals Clerks, and the Pro-Se Clerks of the District and Court of Appeals, different rules of advice were given, which the court can check for itself by calling the individuals in during the oral hearing.

Life can be much more simple than the unbelievable difficulty of the filing and shuffling of the much too many papers, especially in this simple, open and shut case. The time consumed and expense even without costly lawyers must be eradicated, that should be discussed orally in this case, instead of merely talking theoretically at A.B.A. meetings, such as the one at Acapulco, Mexico, of all lovely resorts to write off at income tax time as a deductable expense, while the poor suffer the New York winters.

Instead of running off to ANOTHER COUNTRY in sunny climate to discuss incompetency of lawyers and judges, we have here a hard, concrete case in which the sitting judges can write a formal decision on the subject, if they care to inquire from the Attorney Pro-Se the unbelievable things that have happened when a law abiding, intelligent, tax paying, literate citizen merely tries to read and uphold the constitution of the United States, in an open and shut case.

That is another reason why this case must be open-ended, instead of being made short shrift of in ten minutes, because there is no time saving device, when this case is brought for the fourth time, and the next time it will take even more of the personal time of each and every judge who ever sat in on this case, if more time is not given now, to discuss all the timely ramifications, after the dishonest cover-ups of the higher ups involved in Watergate.

This is not a threat, it is a promise, and a legal promise.

Patrick Grey the lying lawyer who headed the F.B.I., who knowingly destroyed evidence on Watergate burglar Hunt, by first saying he threw it in the Potomac river, and than later said he burned it in his fireplace in Connecticut, is as bad as Bob Haldemanss "confession" on the Sunday, March 23, 1975, 6 p.m. C.B.S. Mike Wallace-Morley Safer, "60 Minute" show, showing that he hasn't learned a thing about truth and honesty, following F.B.I. Grey's example of destruction of true facts, by saying he now realizes he should have destroyed the White House tapes.(N.Y. Times, Sunday, March 23, 1975, pg. 35, col.3)

What is the difference between destroying evidence and covering up, and covering up the evidence that "14/2" is still not enforced, when it is in this courtss power to do otherwise?

Even at this stage of his life, the lying Bob Haldeman doesn't know that on Tuesday, January 14, 1975, Chief Justice Warren Burger,

> "...scolded lawyers on both sides of the case, no. 73-848, Fusari v Steinberg - for failing to inform the Supreme Court ...(of the true facts)... The Chief Justice declared, "This court must rely on counsel to present issues FULLY AND FAIRLY, and counsel have a continuing duty to inform the Court of any developments which may conceivably affect such an outcome."(N.Y. Times, Wed. Jan. 15, 1975, pg. 16, clo.1)

The attorney Pro-Se is trying to "present issues FULLY AND FAIRLY", but the courts continue to cover up the fact that "14/2" is not enforced::

As part of the oral problem that should be discussed, in addition to the nonsense, about "ONE-MAN, ONE VOTE" that does not appear in the constitution either in relation to State or Federal apportionment, is the questionable federal practice of taking over control of voting districts that have less than 50% of the population voting, which now includes the Congressional bailawicks of Chishom, and Holtzman, under the two court cases both entitled N.Y. v U.S. ~~and~~ What has either one of them done about it, including joining instead of opposing the Attorney Pro-Se in this case?

To present issues "FULLY AND FAIRLY" besides pointing out that the United States Civil Rights Commisssion in their last report of two months ago provides statistics and examples of continueing voting denials and abridgements, calling for the enforcement of "14/2" today, is ~~is~~ the January 27, 1975 Census Bureau news release, and bulleting "Voter Participation in November 1974" Series P-20, No. 275, that this very case is trying to prevent, shows the very sad statistics of the entire population only 39% cast votes(Congressional Quarterly, Volume XXXII, No. 45, November 9, 1974).

Does that mean that besides Holztman's and Chisholm's districts the entire nation now comes under the jurisdiction of the distrustful department of injustice voting supervision?

Other sad voting statistics from this Census report are that 78 million people did not vote in the '74 Congressional elections, only 34% of the blacks voted, 23% of the Hispanic dnly voted, and less than 21% of the 18 year olds voted.

What is the court going to try to do to rectify this positive proof of dissallusionment and frustration in democracy as represented by these sad figures in this case?

The 200th celebration of the Spirit of '76 is coming up, and what better proof can this court supply that their meaningless valadictory addresses at graduation time actually express, by now actually expressing their admiration for the dignity of the individual and the value of learning the three "Rs", where it counts the most, in a real life situation, such as this court case is, than to prove to all these frustrated citizens who are fed up with (explitive deleted) LIARS, that a literate, learned citizen, with law and logic on his side can still WIN;"

There is more to this case than even that if the court accepts the suggestion to have an open ended discussion, including the judges, in asking and answering questions, that could possibley reverse the downward slide of democracy, all over this world, including the United States, as the voting statistics, and economic statistics are warning signals.

To present issues "fully and fairly" it is correct to report that Supreme Court Justice William Brennan advanced from his job as Associate Justice of the New Jersey Supreme Court, headed by Chief Justice Arthur T. Vanderbilt, the former

twice head of the A.B.A., and Dean of N.Y.U. Law School at the suggestions of the writing of the Attorney Pro-Se in this case. William Brennan wrote the first big Tennessee State case on apportionment in the 1962 Baker v Carr case, after the Pro-Se attorney talked to Brennan personally, and personally sent Brennan, and the other members of the Supreme Court a copy of Arthur T. Vanderbilt's Indiana University Press book entitled, "The Doctrine of the Seperation of Powers and Its Present-Day Significance", that lays out the entire theory for Brennan's Baker v Carr Tennessee state apportionment decision, that overruled Frankfurter's evading the "political thicket" inrefusing to review the forerunner apportionment cases of South v Peters, and Colegrove v Green.

It is important to point this out, because Frankfurter in his ignorance of also stating that the first ten amendments did not hold against the State's, which shows how much he knew, by never reading the discussions of John Bingham, the Republican Representative from Chio, who practically personally wrote the entire 14th Amendment, in 1866, but also showed Frankfurter's ignorance by claiming that individual citizens had other avenues by which to have his political rights upheld, not ever having had the personal frustration, of writing, calling or even bringing suit against his personal representatives, and not having them answer, EVEN LAW SUITS, AS THIS CASE PROVES!!

In that respect this court ought to ask about the ten day escapade, with Bella Abzug, if they don't inform snoop-and-poop, mail-opening, C.I.A, Director Colby, and the unbelievable personal discussion with House Speaker Carl Albert as he came out of a gambling casion with his son, or what Herman Badillo also said, about what he thinks of the courts, etc. etc. etc.

The reason for bringing up the fact that the Supreme Court has reviewed many apportionment cases beginning with the Baker v Carr Tennessee case, that the writer had a hand in "writing", should lay to rest the fact that individuals can not attack the principle of apportionment, since the Supreme Court has now acknowledge, hundreds(?) of times, that it is perfectly legal to do so, and so is it perfectly legal to do so in this case despite Frankfurters trying to frustrate the individuals by his now overruled nonsense that individual people couldn't attack apportionment through the courts.

Nobody questions the fact that any citizen should be able to challenge any candidate's qualification for elective office, because of age, residency, or citizenship as discussed in the briefs submitted to Judge Griesa, which included the recent Supreme Court decision, holding that the Democratic candidate for governor in South Carolina did not have the necessary State Constitutional requirement of residency to run for Governor of South Carolina. Other cases were also discussed.

In keeping with "fully and fairly" informing the court, the youngest Congressman ever elected to Congress, was Thomas Downey of Long Island, and at the time that C.B.S. announced that fact in confirming his election they also announced that South Carolina once elected a 21 year old Congressman, which is UNconstitutional and C.B.S. wondered why nobody never brought a suit from stopping him from running or taking his seat in Congress, which he evidently did, despite the fact that it was apparently UNconstitutional to elect or seat a 21 year old to Congress. And it is likewise UNconstitutional to elect a House of Representatives not apportioned under "14/2"::

In continuing to keep this court "fully and fairly" informed, in this case that could wrap up all the other cases that have been brought before, it must be pointed out, that before the electorate can elect even unconstitutionally apportioned representatives(?), there must be five accurate prior steps to be taken, and that is an accurate enumeration, of the apportionment population, which always was different than the total population even under the prior Article I, Section 2, Clause 3, apportionment provision, followed by the accurate constitutional apportionment formula for determining the apportionment figures, such as counting only "3/5ths of all other peoples"(i.e. none juricidical, none voting SLAVES), then the Congress sends these figures to all the State Governors, who then deliver it to the State legislatures, who then cut up the State into districts, before the electorate gets a chance to elect anybody.

Since I challenged the UNconstitutional method of taking the enumeration, (IT IS NOT CALLED A CENSUS IN THE CONSTITUTION) (AND THE ORIGINAL PURPOSE FOR TAKING CENSUS WAS FOR CENSORING, WHICH IS WHY JESUS WAS BORN IN A MANGER TO HIS MOTHER MARY, BECAUSE JOSEPH THE CARPENTER OF NAZARETH COULD NOT WORK IF HE DID NOT REGISTER IN THE CENSUS WITH THE ROMAN CENSORS) the Census Bureau has admitted that they undercounted by more than 2½ million in 1960, and more than 5 million in 1970, when for the first time the census was done by mail while we could afford to send millions of men and 175 billions of dollars to Vietnam, but we couldn't afford the usual personal enumeration in the past as they admitted that although there was an under count of more than 5 million in 1970, they didn't have the foggiest notion of how many hispanic americans they missed, and how many negro school children from urban areas they missed, which would literally have made this Congress a Congress of A DIFFERENT COLOR.

Having now had some seven years of annual federal surveys of personal experience in the ghettoes of New York, I personally know from personal experience how viciously wrong of undercounting was committed, when hand delivered and hand returned federal survey poverty forms are so rarely returned.

Even after going to the trouble of talking to Dr. George H. Brown the former Census Bureau Director, who made the confession that "14/2" was not used in 1960, or 1970, in his headquarters office in Suitland, Maryland, in which we agreed eye to eye on everything, the injunction of enjoining him from handing the unconstitutional apportionment figures to President Nixon, played upon on the front page, picture and all of the N.Y. Times, went unheeded by the courts.

Then when a timely further injunction was brought against the court confessed nole contendre crook, Spiro Agnew, who Nixon knew was on the take for more than six years, from counting an UNconstitutional count for Presidential Electors which is based upon the total number of Senators and the constitutional apportionment of Representatives, which is now 535, the courts again did nothing.

This do nothing court action must stop, NOW:

Are laws written to be broken? When the F.B.I. and C.I.A. violate laws, overlooked by the Department of Justice, then in the name of Justice doesn't the individual law-abiding citizen have the right, the "standing?" to put a stop to all this lawlessness? What is the court going to do about it NOW?

The page 16, 5 columned, Tuesday, March 11, 1975, headlined story, datelined Acapulco, Mexico, is "Burger's Plan to Bar Incompetent Lawyers is Gaining Support", has as the third

paragraph,

> "Spearheading a parallel local movement to improve the quality of courtroom representation is Chief Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit, who told the spring meeting of the trial lawyers' group today that the bar was not doing enough to weed out its incompetent members."

On the following day of Wednesday, March 12, 1975, page 38, the N.Y. Times has an editorial that goes even further entitled "Judicial Discipline" for "enforcing self-discipline within the Federal Judiciary", which without naming Court of Appeals crooked Judge Otto Kerner the former Governor of Illinois, points up the further on going Watergate problems concerning lieing lawyers, like Bob Haldeman, who still thinks he should have destroyed evidence as F.B.I. lawyer , lying Director Gray did, that is so rampant in this case if the Judges really want to hear this case fully instead of only allotting ten minutes for oral "arguement?"

In a letter to the Editor in the Saturday, March 22, 1975 N.Y. Times, page. 30, last column, Federal District Judge Jack B Weinstein, of the Eastern District of New York takes exception to Judge Kaufman's trying to set up an English type of Counselor and Barrister system, which almost all the law schools also oppose as spearheaded by N.Y.U. Law School Dean Robert McKay, who was personally handed a copy, by me of Arthur T. Vanderbilt's "Doctrine of the Separtion of Powers and its Present day Significance" that lays out on page 131-139 the entire theory behind this case, that I pointed out to Harvard Law School Dean Emeritus Roscoe Pound in his Office at the Harvard Law School, who told me that Arthur Vanderbilt published that book at his (Roscoe Pound's)suggestion that prompted Roscoe Pound to write a letter on my behalf for the Supreme Court to grant to me certiorari, to no avail.

This is written in keeping with Chief Justice Burger's admonishment to lieing lawyers who hide evidence to try to avoid and evade, keeping the court "fully and fairly" informed, because at the last oral presentation of this case, that was given more than three times the amount of scheduled time for oral presentation, after some hearty laughs, which serious frivolity Judge Griesa is invited to come and hear too, Judge Kaufman, went out of his way, in an unsolicited testimonial to thank me for the most enlightened, interesting presentation different, from the dull doldrums of dull lawyers, it was his pleasure to listen to - AND THEN HE WROTE NOTHING::

And Kaufman criticizes others??????????

Judge Kaufman allowed me to tape the presentation, which I intend to do again, which I can play to prove what I said, since the court also tapes the oral proceedings, and unlike Nixon, and even now stupid, vulgar, obscene Bob Haldeman's disgusting assertion, that he should have destroyed the tapes, I have no reason to destroy the tape, because I hope the court has the same strong courage of constitutional convictions that I have.

What is the meaning of CHARACTER? What sort of character does it take to be a lawyer or judge? This is an integral part of this case too.

The beginning referance on page 1 of this brief, to the N.Y. Times, Sunday, March 16, 1975, Magazine, front cover story, "Behind the marble, beneath the robes," page 15, has enough strong,"libelous?" criticism of Chief Justice Warren Burger, that is not as direct and as strong as the quote from former Chief Justice Earl Warren in the present issue of Esquire magazine, that appears on page 6 e, in the Sunday, March 23, 1975

N.Y. Times Week in Review editorial section, in which former Chief Justice Warren "admitted shortcutting the Constitution when he served as a district attorney in California," and Richard Nixon, "He was a cheat, a liar, and a crook" and "perhaps the most despicable President this country ever had". But for his successor on the Supreme Court, Earl Warren is quoted as calling him "A horse's ass."

Lyndon Johnson was reputed to use langauage that was even stronger, and I personally heard Thurgood Marshall use the same, so what is obscene, if you read the words, that were even worse that Nixon used on the tapes, Haldeman said should have been destroyed?

The word"Freedom"only appears once in the Constitution, which is fuller and without the limitation of the word "liberty" that appears twice in the 5th and 14th amendments, which can be limited, by licensing or even with the death punishment.

But no court, under the first amendment FREEDOM can limit thoughts because "Die Gedanken Sind Frei" that no one can limit, and if the courts try to make me sexually impotent by not reading or seeing prurient portrayals that lead to prurient thoughts that might lead to sexual arousal in those who still can perform, and in this case if the courts are trying to make me politically impotent, by saying that I can not come into court, and read what the Constitution commands and have those commands performed, then I say that is carrying impotence toofar, because as Ira Gershwin wrote in the lyrics to brother GEORGE Gershwin's song about "Methusala" in "Porgy and Bess", "What good is livin' if no gal will give in to a man who is 900 years". So let's make worth livin', by freeing those wonderful brains we all have, that were not created for

lieing and cheating, and for being the biggest manufacturerors of weapons to kill PEOPLE of all time, and get back to this business of making this living more beautiful and worthwhile, by showing what is hoped your true character for honesty and decency, and law and order, and not the law and order lieing hypocrats, who have just been kicked out of office.

AGREED? OK? RIGHT?

Or as the cleaning lady was asked, why she works so hard, for such long hours, to support her unemployed husband, she replied, "I make the living, and HE makes the living worthwhile."

Making the living "worhtwhile" in this grand and glorious rich land of ours, because democracy is a political "game" in which we can all be winners, unlike other political systems that are purposefully geared, to guarantee that there will be certain winners, and certain losers, either under a dictatorship or monarchy, which Watergate Special Prosecutor Jaworski said we were headed for, when he compared the Nixon to the Nazi administration, which are even harder words than Earl Warren used about the man who thought his intials stood for R,oyal M.ajesty.

Let's take the roal road back to democracy and get all the dissillusioned people back tovoting, which has been the theme of all these suits. Is that bad? Whose crazy?

Let's see how the court orally answers that on Thursday, March 27th, putting this case first on the calendar because not only will the court enjoy the day, but I gave up vacation tickets to appear in court, and there is no reason why the other defendants can't be forced to appear in court also to answer alot of question in an open ended discussion PERSONALLY::

This lengthening "brief?", that is all relevant to this case has to come to an end, that can be further discussed with seriousness and laughter, like the layman, after seing the lengthy brief of the lawyer's, asked "And they call that BRIEF???"

Lawyers have to learn to talk the talk of laymen to settle cases quicker and BRIEFer.

The major substantive part of this case can be settled in under a minute, if the court cooperates?

Will the court cooperate?

We'll see.

Hopefully Yours,

Victor Sharrow

VICTOR SHARROW, Pro-Se
Crompond, N.Y. 10517
Monday, March 24, 1975

Copies of this not so brief, brief have been sent to all of the named defendants, plus the one lawyer, who showed his Watergate ignorance, by writing the ignorant nonsense he wrote, although I went to Law School with two of his bosses, which shows not all education is learned in school, because I never learned the substantive basis of this suit in ANY school.

Since none of the Judges of the 2nd Circuit Court of Appeals ever read the original Congressional Globes of 1866, 1871 and and 1872, that I've brought to court before where the complete meanings of the 14th Amendment are brilliantly discussed, that Felix Frankfurter never read before in his mistaken idea that the Bill of Rights did not apply to the States, and where perfect "14/2" computational apportionments are done,

I will again bring them to court if any of the judges care to read fascinating original documents plus the Census book volume that contains all the original Census and apportionment acts and questionaires that proves that after the writing of the 14th Amendment, the census did ask the question, "WERE YOU EVER DENIED OR ABRIDGED THE RIGHT TO VOTE?"

Also for the fourth time in almost 15 years of not getting any answer from the courts, I am again asking the simple question, "HOW DOES A LAW ABI DING CITIZEN GO ABOUT SPECIFICALLY, TO UPHOLD AND ENFORCE THE CONSTITUTION, AND SPECIFICALLY, SECTION 2 OF THE 14th AMENDMENT, THAT RUNS DIRECTLY TO, AND PERTAINS TO, WE THE PEOPLE OF THE UNITED STATES?"

And please don't answer the question like the farmer who didn't like city slickers who asked him directions, always answered, "You can't get there from here".

And don't you think that after all this waste of time and money, instead of no answers, or setting up false, fraudulent answers, conjured up in the minds of evasive judges, that the plaintiff's words ought to appear atleast once, in the beginning of any opinion, which in this case is the Constitution, by the court, writing the following words in the first sentence, SECTION 2 OF THE 14th AMENDMENT COMMANDS AND CONTROLS COMPLETELY THE CONSTITUTIONAL COMPUTATION FOR THE APPORTIONMENT OF REPRESENTATIVES THAT HAS NOT, AND IS NOT BEING ENFORCED, THEREFORE DEPRIVING AND DENYING EACH AND EVERY VOTING CITIZEN OF THEIR CONSTITUTIONAL RIGHT TO VOTE FOR THEIR CONSTITUTIONAL APPORTIONMENT OF REPRESENTATIVES::

Under the full meaning of the First Amendment FREEDOM, is that asking too much???